

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

HARRY BAILEY,

Petitioner,

v.

THOMAS SCHWEITZER,
Warden, Lebanon Correctional
Institution,

Respondent.

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:

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Case No. 3:16-cv-25


JUDGE WALTER H. RICE

DECISION AND ENTRY ADOPTING UNITED STATES MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATIONS (DOC. #28);
OVERRULING PETITIONER'S MOTION FOR A CERTIFICATE OF
APPEALABILITY (DOC. #27 AS SUPPLEMENTED BY DOC. #29)

Based on the reasoning and citations of authority set forth by United States Magistrate Judge Michael R. Merz, in his Report and Recommendations, Doc. #28, as well as on a thorough, *de novo* review of this Court's file and the applicable law, the Court ADOPTS said judicial filing in its entirety, and OVERRULES Petitioner's Motion for a Certificate of Appealability, Doc. #27 as supplemented by Doc. #29.

Although the parties were advised of their right to file Objections to the Report and Recommendations, and of the consequences of failing to do so, no Objections have been filed within the time allotted.

Date: December 8, 2016

A handwritten signature in black ink, appearing to read "W. H. Rice", is positioned above a horizontal line.

WALTER H. RICE
UNITED STATES DISTRICT JUDGE